

Notice of Allowability

Application No.

10/679,769

Examiner

Albert H. Cutler

Applicant(s)

MCCLAIN, JAMES S.

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed June 27, 2007.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20071211.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This office action is responsive to communication filed on June 27, 2007. Claims 1-7 are pending in the application and have been examined by the Examiner.

Response to Arguments

2. Applicant's arguments, see pages 2-5, filed June 27, 2007, with respect to claims 1-7 have been fully considered and are persuasive. The rejection of claims 1-7 has been withdrawn.
3. The Examiner hereby removes any objections to the claims and drawings in view of Applicant's response.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Clodfelter (Registration number 34,564) on December 11, 2007.

The application has been amended as follows:

IN THE CLAIMS

Claim 1 (currently amended). A device for preventing theft of a camera assembly mounted on a tree, said assembly comprising instruments including a camera and a case substantially enclosing said instruments, said case having peripheral sides and a front side having defined therein openings providing external access to viewing instruments;

said device comprising a housing including top and bottom sides, left and right sides and a front side, said front side comprising;

a frame open at a central location allowing viewing by said instruments and the frame overlapping the instruments so as to preclude removal thereof from the front;

said bottom side at a rear location thereof connected to a first vertical and upwardly extending bracket having defined therein an opening including an enlarged lower portion allowing passage of said first bracket over a lag bolt head of a first lag bolt and a narrower passage allowing sliding vertical movement, but not movement away from the tree so that the first bracket may be hooked over the lag bolt head of the first lag bolt and pulled downward into position;

said top side at a rear location thereof connected to a second vertical and upwardly extending bracket having defined therein an opening for receiving a second lag bolt connecting said second bracket to said tree, a hub connected to said second bracket and disposed around a head of said second ~~light~~ lag bolt, precluding access to the second lag bolt in a radial direction and a plug lock engageable with said hub, precluding access in an axial direction.

Allowable Subject Matter

5. Claims 1-7 are allowed.
6. The following is an examiner's statement of reasons for allowance:

The closest prior art of record(Cuddeback et al., US 2003/0063903) teaches:

A device for preventing theft of a camera assembly mounted on a tree, said assembly comprising instruments including a camera and a case substantially enclosing said instruments, said case having peripheral sides and a front side having defined therein openings providing external access to viewing instruments; said device comprising a housing including top and bottom sides, left and right sides and a front side, said front side comprising; a frame open at a central location allowing viewing by said instruments and the frame overlapping the instruments so as to preclude removal thereof from the front(See figures 1 and 2, paragraphs 0029-0032).

However, the prior art of record does not teach or reasonably suggest said bottom side at a rear location thereof is connected to a first vertical and upwardly extending bracket having defined therein an opening including an enlarged lower portion allowing passage of said first bracket over a lag bolt head of a first lag bolt and a narrower passage allowing sliding vertical movement, but not movement away from the tree so that the first bracket may be hooked over the lag bolt head of the first lag bolt and pulled downward into position, or that said top side at a rear location thereof is connected to a second vertical and upwardly extending bracket having defined therein an opening for receiving a second lag bolt connecting said second bracket to said tree, a hub connected to said second bracket and disposed around a head of said second

light bolt, precluding access to the second lag bolt in a radial direction and a plug lock engageable with said hub, precluding access in an axial direction.

Claims 2-7 are allowed as depending from an allowed independent claim 1.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert H. Cutler whose telephone number is (571)-270-1460. The examiner can normally be reached on Mon-Fri (7:30-5:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571)-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/679,769
Art Unit: 2622

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC


NGOC YEN VU
SUPERVISORY PATENT EXAMINER